

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 73-10003

WATER RIGHT NUMBER: 73-10003

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LARRY D WHITTIER HC 62 BOX 2161 MAY, ID 83253 (208)876-4474
Original Owner	JAMES C WHITTIER HC 62 BOX 2160 MAY, ID 83253 (208)876-4268
Original Owner	THETA WHITTIER HC 62 BOX 2160 MAY, ID 83253 (208)876-4218
Current Owner	JUDI A WHITTIER HC 62 BOX 2161 MAY, ID 83253 (208)876-4474

Priority Date: 04/25/1949

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PAHSIMEROI RIVER	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	5.200 CFS	
	<u>Total Diversion:</u>	5.200 CFS	

Location of Point(s) of Diversion

PAHSIMEROI RIVER		Sec. 16, Twp 12N, Rge 24E, B.M.
CUSTER County	(Injection)	
PAHSIMEROI RIVER	NE1/4NW1/4	Sec. 8, Twp 12N, Rge 24E, B.M.
CUSTER County	(Rediversion)	
PAHSIMEROI RIVER	SW1/4NW1/4	Sec. 5, Twp 12N, Rge 24E, B.M.
CUSTER County	(Rediversion)	
PAHSIMEROI RIVER	SW1/4NW1/4	Sec. 32, Twp 12N, Rge 24E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12N	24E	5	40.3	40.3			40.3	38.1		40.0	40.0				239.0
			L 1	L 2			L 3	L 4							

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12N	24E	6		40.2							40.2
				L 1							
12N	24E	21		40.0	40.0	40.0	40.0		40.0		240.0

Total Acres: 519.2

Conditions of Approval:

1. DIVERSION NO. 1 - WOODEN HEADGATE ON PAHSIMEROI AND TWO 18 INCH STEEL CULVERTS WITH METAL HEADGATES ON GOLDBERG CREEK. WATER IS DIVERTED FROM THE PAHSIMEROI RIVER INTO A DITCH THAT DUMPS INTO GOLDBERG CREEK. WATER IS TAKEN OUT OF GOLDBERG CREEK DOWN- STREAM BY MEANS OF TWO 18 INCH CULVERTS AND HEADGATES. SEE MAP AND ATTACHED EXPLANATION.

IRRIGATION-DIVERSION NO. 1 - 2 CFS IRRIGATION-DIVERSION NO. 2 - 3.2 CFS THE CLAIM ABOVE IDENTIFIED IS KNOWN BY THE CLAIMANT BY THE COMMON NAME OF STEVEN AND ROSS - HIGHWATER **CHANGED OWNERSHIP 11/12/96/JT/GT**

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 11/6/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number: 73
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

09/17/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-10003

NAME AND ADDRESS: LARRY D WHITTIER
HC 62 BOX 2161
MAY ID 83253

JUDI A WHITTIER
HC 62 BOX 2161
MAY ID 83253

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 4.630 CFS

PRIORITY DATE: 04/25/1949

POINT OF DIVERSION:

T12N R24E S5 SWNW Lot 5 Rediversion Within CUSTER County

T12N R24E S8 NENW Rediversion Within CUSTER County

T12N R24E S17 SENE Injection Within CUSTER County

T12N R24E S32 SWNW Within CUSTER County

T12N R24E S32 SWNW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.630 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T12N R24E S05 Lot 3 NENW	30.00	T12N R24E S05 Lot 4 NWNW	40.00
T12N R24E S05 SENW	38.00	T12N R24E S05 NESW	40.00
T12N R24E S06 Lot 1 NENE	30.00	T12N R24E S21 NENE	3.30
T12N R24E S21 NWNE	33.00	T12N R24E S21 SWNE	40.00
T12N R24E S21 SENE	26.00	T12N R24E S21 NENW	40.00
T12N R24E S21 SENW	37.00		

357.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 357.3 acres in a single irrigation season. Combined Right Nos.: 73-167, 73-2058, 73-2169, & 73-10003

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources



Adjudication Recommendation

73-10003
(IRRIGATION)

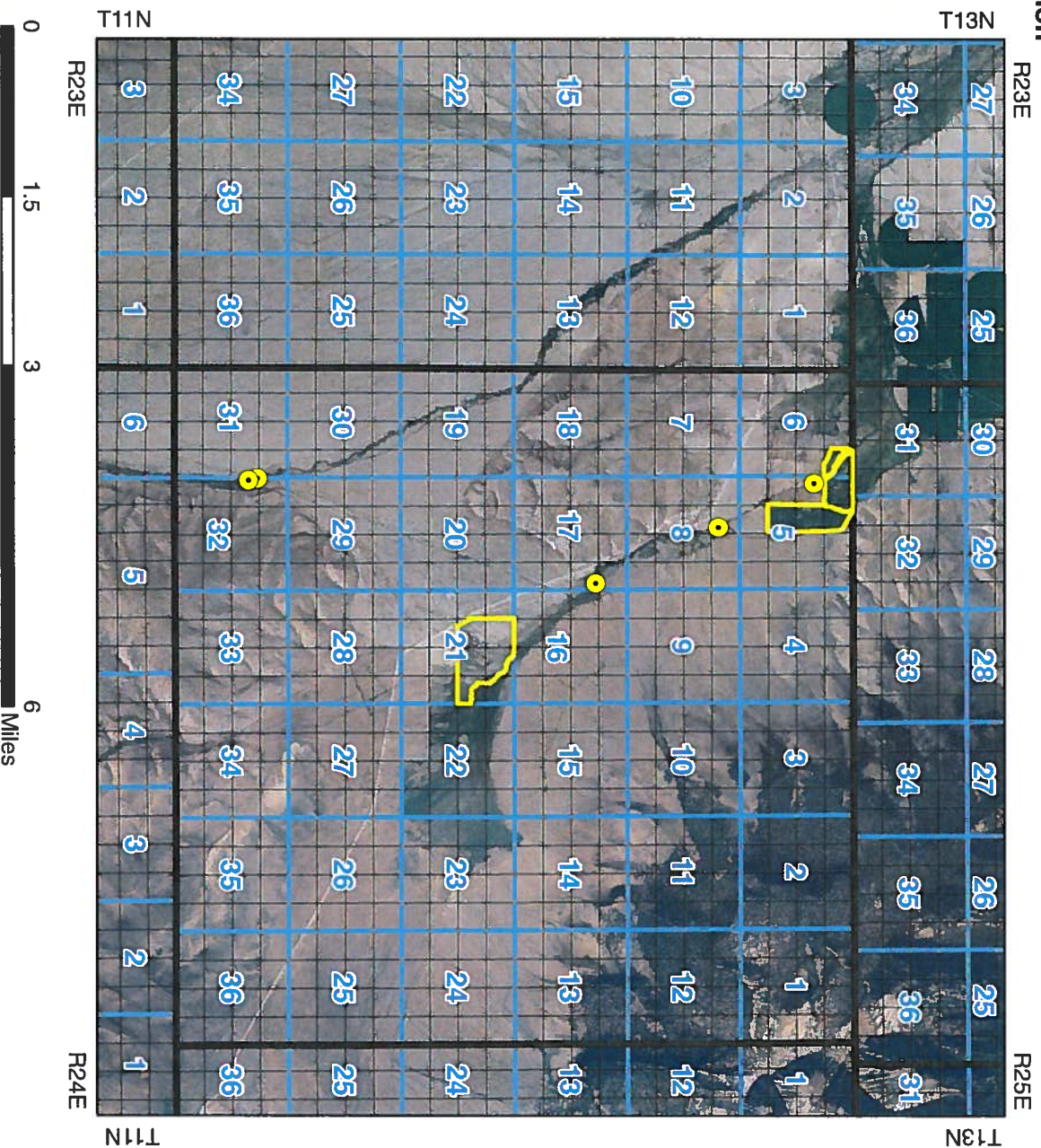
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



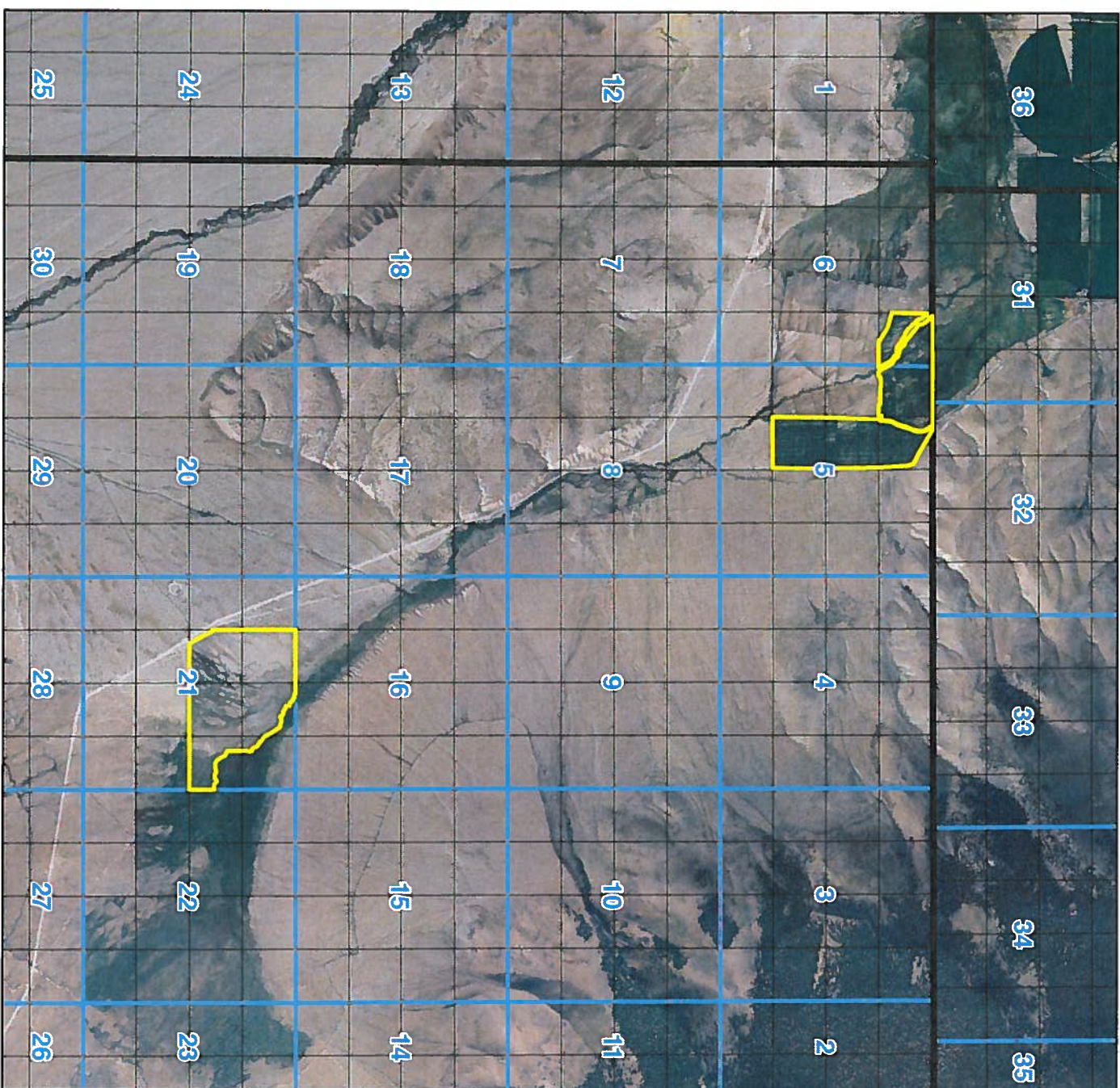
Custer County
IDWR Basin 73

Prepared by Craig Saxton
On September 22, 2009
2004 Aerial Photography





73-10003



2009 JUL 08 PM 03:44
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576) NOTICE SETTING SUBCASE(S)
FOR INITIAL HEARING
SUBCASE NOS: 73-00167 73-02058
73-02169 73-10003

The Initial Hearing for this subcase will be held before
Special Master TERRENCE A. DOLAN

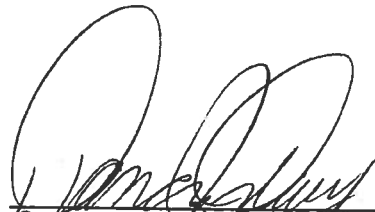
WEDNESDAY, AUGUST 12, 2009 at 09:00 AM (M
CUSTER COUNTY COURTHOUSE
801 MAIN
CHALLIS, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
AUGUST 07, 2009 or hearing will not be vacated.

Dated: JULY 08, 2009



DIANA R DELANEY
Deputy Clerk
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on JULY 08, 2009,
with sufficient first-class postage to the following:

JUDI A WHITTIER
LARRY D WHITTIER
HC 62 BOX 2161
MAY, ID 83253
Phone: 208-876-4474

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098


Deputy Clerk